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A GUIDE TO BALLOT QUESTIONS

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APRIL 1989 0322E

GUIDE TO BALLOT QUESTIONS

This booklet is intended as a reference guide to some of the more common types of questions that may appear on local and state election ballots for voter approval or rejection.

Questions are placed on local and state ballots in different ways. This booklet summarizes some of those ways. Legal citations for each question are provided so that more complete information may be obtained.

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GUIDE TO BALLOT QUESTIONS

STATE ELECTION BALLOT QUESTIONS

Initiative petition for a law

A statewide binding question proposing a new law may be placed on the state ballot by use of the popular initiative. A number of voters equal to 3% of the last vote cast for governor may propose a new law to the General Court by the first Wednesday in December in any year. If the General Court does not pass the law by a majority vote, additional certified signatures equal to 1/2% of the last vote cast for governor filed by the first Wednesday in June of the following year may force the proposed law onto the ballot for the people's approval or rejection. The required certified signatures must be submitted, on forms provided by the Secretary of State, to the Secretary of State. Const. Amend. Arts. XLVIII, LXVII, LXXIV, LXXXI. See Secretary of State Guide to Circulating Petitions - Series A.

Initiative petition for a constitutional amendment

A statewide binding question proposing a constitutional amendment may be placed on the state ballot by use of the popular initiative. A number of voters equal to 3% of the last vote cast for governor, and an affirmative vote of at least 1/4 of the members of two consecutively elected General Courts, allow a proposed constitutional amendment to be submitted to the people for their approval or rejection. The required certified signatures must be submitted, on forms provided by the Secretary of State, to the Secretary of State by the first Wednesday of December. Const. Amend. Arts. XLVIII, LXVII, LXXIV, LXXXI. See Secretary of State Guide to Circulating Petitions - Series B.

Referendum petition

A statewide binding question may be placed on the state ballot to have a law enacted by the General Court repealed and/or suspended by the voters. A number of voters equal to 2% of the last vote cast for governor is needed for immediate suspension of the law. A number of voters equal to 1 1/2% of the last vote cast for Governor places the referendum on the ballot. The required certified signatures must be submitted, on forms provided by the Secretary of State, to the Secretary of State within 90 days after the law on which a referendum is desired is signed by the governor. Const. Amend. Arts. XLVIII, LXVII, LXXIV, LXXXI. See Secretary of State Guide to Circulating Petitions - Series C.

Public policy question

A non-binding question of public policy may be placed on the state ballot in a representative or senatorial district to apprise the representative or senator of his or her constituents' opinions. At least 200 voters in a state representative district or 1,200 in a senatorial district must sign the petition. The required certified signatures must be submitted, on forms provided by the Secretary of State, to the Secretary of State by the first Wednesday of August before the state election. M.G.L. Ch. 53§§19-22. See Secretary of State Guide to Circulating Petitions - Series D.

Legislative constitutional amendment

A statewide binding question proposing a constitutional amendment may be placed on the state ballot by the legislature. Two successively elected legislatures sitting in joint constitutional convention must approve an amendment by majority votes. The amendment is then placed on the ballot for voter approval or disapproval at the next state election. Const. Amend. Arts., XLVIII, LXXXI.

Non-binding advisory questions placed on ballots by the General Court

The General Court itself may place any non-binding question statewide on any state election ballot or on the state or local ballot in two or more communities if the question affects each of the communities. Const. Part Second, Chapter I, Section I, Art. IV. Art. of Amend. LXXXIX, Section 8.

Municipality petitions the General Court for a special act

A city after favorable action by its legislative body, or a town after favorable action by a town meeting may petition the General Court through a legislator to place a question on the ballot. The question could be binding or non-binding, and may be on the state ballot or on a regular or special local election ballot, depending on the wording of the special act. Const. Amend. LXXXIX, Section 8.

Question on Transferring Ownership of Courthouses to the Commonwealth

A binding question on transferring to the Commonwealth all interest owned by the county in buildings and land occupied by the judicial branch may be placed on the ballot at a regular state election. Petition forms for this question are provided by the Secretary of State. The petition must be signed by 500 registered voters of the county, certified by the local registrars, and filed with the Secretary of State no later than the first Wednesday of August before the election at which the question is to be submitted. Ch. 203, §18 of the Acts of 1988.

LOCAL ELECTION BALLOT QUESTIONS

Non-binding public opinion advisory questions

A non-binding public opinion advisory question may be placed on a municipal ballot in order to ascertain the opinion of the people of the community on an issue. 10% of the registered voters of a city or town may petition for such a question after the selectmen or city council decline to place the question on the ballot. Those seeking to place the question on the ballot supply the forms for circulating the petition. The question is placed on the ballot at the next municipal election at least 30 days after certification of the signatures by the city or town clerk. The selectmen or city council by their own vote may place a non-binding public opinion advisory question on the local ballot no later than the thirtieth day before the election. M.G.L. Ch. 53 §18A. See Secretary of State Guide to Circulating Petitions - Series E.

Local initiative petition

A binding question submitting a measure (proposed ordinance, resolution or order) to a city's legislative body (city council or board of aldermen) or school committee may be placed on the ballot at a regular or special city election. If the petition is signed by at least 15% of the number of registered voters, either the legislative body or school committee must pass the measure, or the city clerk must call a special election at least 30 days but not more than 45 days after the date on which the petition qualifies for the ballot. If the petition is signed by at least 8% but less than 15% of the voters, the legislative body or school committee must pass the measure, or the city clerk must place the measure on the ballot at the next regular city election, which occurs at least 30 days after the date on which the petition qualifies for the ballot. A petition qualifies for the ballot on the 20th day after signature certification, or on the day that the legislative body or school committee finally decides not to pass the measure, whichever occurs first. Those seeking to place the question on the ballot supply the forms for circulating the petition. This process applies only to cities with "plan" charters (A-F) or where local charters or special acts provide for these procedures. M.G.L. Ch. 43 §§ 37-40, 43, 33. See Secretary of State Guide to Circulating Petitions - Series F.

Local referendum petition

A binding question may be placed on a ballot at a regular or special city election to have a measure (ordinance, resolution, order or vote) of a city's legislative body or school committee suspended and repealed by the voters. The petition must be signed by at least 12% of the number of registered voters. If the legislative body or school committee does not repeal the measure, the city clerk must place the question on the ballot at the next regular city election, or at a special election called by the city council. Those seeking to place the question on the ballot supply the forms for circulating the petition. This process applies only to cities with "plan" charters (A-F) or where local charters or special acts provide for these procedures. M.G.L. Ch. 43 §§37, 38, 42, 43. See Secretary of State Guide to Circulating Petitions - Series G.

Local acceptance written into act

Any provision of the General Laws calling for local acceptance shall be placed on the ballot at any city or town election by the city or town clerk. M.G.L. Ch. 54 §58A.

Local Recall of Elected Officials

Voters may recall elected officials of a city or town only where local charters or special acts provide for a recall procedure. Check with the city or town clerk or election commission.

RACING AND ALCOHOLIC BEVERAGE BALLOT QUESTIONS

Pari-mutuel petition for horse racing (form A) and dog racing (form B)

The question to allow pari-mutuel betting on horse or dog races in a county may be placed on the state ballot in all the cities and town within that county. The petition must be signed by 10% of the number of registered voters in the county in which the question will appear. The petition form for this purpose is provided by the Secretary of State and the required certified signatures must be filed with the Secretary at least 60 days before the state election. A favorable vote would authorize the State Racing Commission to grant licenses in the appropriate county, but it is not mandatory that the Commission grant such licenses. M.G.L. Ch. 128A §14.

Pari-mutuel petition for horse racing at fairs (form C)

The question to allow pari-mutuel betting on horse races at county fairs held in Berkshire or Hampshire Counties may be placed on the state ballot in all the cities and towns within the county. These are the only two counties that may have the question placed on the ballot by this process. The petition must be signed by 10% of the number of registered voters in Berkshire or Hampshire counties. The petition form for this purpose is provided by the Secretary of State and the required certified signatures must be filed with the Secretary at least 60 days before the state election. A favorable vote would authorize the State Racing Commission to grant licenses in the appropriate county; but it is not mandatory that the commission grant such licenses. M.G.L. Ch. 128A §§14B, 14C.

Rescinding local approval of horse and dog racing See page 11 for provisions of local racing question.

Alcoholic beverage petition

There are six forms of alcoholic beverage questions that authorize the appropriate local board to grant various licenses. Five have the same requirements. They are:

- for the sale of all alcoholic beverages;
- for the sale of wine and malt beverages;
- for package stores;
- for the sale of all alcoholic beverages in hotels having a dining room capacity of at least 99 persons and a lodging capacity of at least 50 rooms.
- for the sale of all alcoholic beverages by restaurants and function rooms having a seating capacity of at least 100 persons

10% of the registered voters of a city or town may place any or all of these questions on the state ballot in that city or town. The petition forms for these purposes are provided by the Secretary of State and the required certified signatures must be filed with the Secretary at least 60 days before the state election. M.G.L. Ch. 138 §11.

Alcoholic beverage petition for a tavern

The sixth alcoholic beverage question, authorizing the appropriate local board to grant licenses for the sale of alcoholic beverages in taverns in the city or town, has different requirements from the other five, and the question is placed on a local election ballot. A petition for this question must be signed by 1% of the number of registered voters in the city or town. Those seeking to place the question on the ballot supply the form for circulating the petition to obtain the required signatures. The question is placed on the ballot at a special municipal election within 60 days of the filing of the petition with the clerk or at the regular municipal election if filed at least 30 days before the election. This question may appear only once every two years. Discretionary power to grant the license lies with the local licensing board. M.G.L. Ch. 138 §11A.

LOCAL CHARTER BALLOT QUESTIONS

Charter adoption or revision

At least 15% of the number of voters of any city or town who were registered at the preceding state election may petition to elect a commission to frame or revise a charter. The forms to place this question on the ballot at a regular city or town election are provided by the city or town clerk. Candidates for charter commission file charter commission nomination papers, which are available from the city or town clerk, and their names also appear on the ballot with the question seeking approval of the formation of a commission. If the question to have a charter commission is voted favorably, the nine candidates with the most votes are elected and constitute the commission. Their charter proposal then appears on the next city or town ballot for adoption or rejection. Const. Amend. Art. LXXXIX. M.G.L. Ch. 43B §§3-11. See Secretary of State Local Charter Procedures.

Charter amendment

In certain cases, an existing charter may be changed by the charter amendment procedure. The amendment is placed on the ballot at a regular local election by a two-thirds vote of the city council or town meeting. Const. Amend. Art. LXXXIX, §4; M.G.L. Ch. 43B, §§10-12. For details, see Secretary of State, Local Charter Procedures.

QUESTION ON ADOPTING OPTIONAL FORM OF MUNICIPAL ADMINISTRATION

Cities of less than 150,000 and towns may adopt an optional form of municipal administration outlined in G.L. ch. 43C. A petition signed by 10% of the registered voters of the town must be filed with the board of registrars. The forms to place this question on the ballot are furnished by the city or town clerk. The board of registrars must certify the signatures within 30 days. Within 30 days after the board certifies the petition, the city council or board of selectmen orders the question on the ballot at the first regular city election or at the first town election held on or after the 60th day following the order. M.G.L. ch. 43C, §§ 3-6.

QUESTION ON AMENDING U.S. CONSTITUTION

Proposed amendment to the U.S. Constitution

If the General Court does not ratify a proposed amendment to the U.S. Constitution in the session at which it was introduced, the question of ratification may appear on a regular or special state election ballot. The results of the vote on this question are only advisory and not binding upon the General Court. M.G.L. Ch. 53 §18.

OTHER LOCAL QUESTIONS WHICH MAY APPEAR ON BALLOTS

Selective listings of some questions which may appear on the ballot

Various chapters of the Massachusetts General Laws have sections that only become effective when favorably voted by the voters of a community. Following is a partial list of the pertinent chapters and the general subjects with which they deal.

Chapter 4	-	Statutes (Revocation)
Chapter 31	-	Civil Service
Chapter 32B	-	Group Insurance
Chapter 40	-	Powers and Duties of Cities and Towns
Chapter 41	-	Officers and Employees of Cities, Towns and Districts
Chapter 43	-	City Charters
Chapter 43A	-	Representative Town Meeting
Chapter 44	-	Municipal Finance
Chapter 45	-	Public Parks and Playgrounds
Chapter 48	-	Fire Departments
Chapter 59	-	Assessment of Local Taxes (Proposition 2 1/2)
Chapter 71	-	Education
Chapter 111	-	Fluoridation of Water
Chapter 128A	-	Horse and Dog Racing
Chapter 147	-	Boxing
Special laws	-	Beano

Unless specified otherwise the forms for obtaining signatures for each of the following questions is provided by the filer; the questions may appear only on the local ballot; the result of the vote on the question is binding; and there are no restrictions preventing the question from appearing on the ballot at every local election.

Questions on Revocation of Acceptance Statutes (Chapter 4)

Cities and town may revoke their earlier acceptance of certain optional state laws. The question of revocation will appear on a local election ballot in two situations:

- if the law was originally accepted by an official ballot vote; or
- if the law was originally accepted in some other way, and the same method is used to revoke it, and if 5% of the registered voters in the city or town file a petition with the city or town clerk within 60 days after the revocation. This petition suspends the revocation until the question appears on a regular or special local election ballot. Ch. 4, §4B.

Questions on Civil Service (Chapter 31)

Questions may be placed on local election ballots to determine whether local civil service will cover the following positions:

- positions in either the "official service" or "the labor service" in towns with more than 5,000 residents. Ch. 31, §52 (3), (4)
- fire chief or police chief. Ch. 31, §51 (2) (cities), 52 (a), (b), (towns)

- in towns, members of police, fire, or "call" fire forces, or parking meter supervisors. Ch. 31, §52 (c), (d).
- in towns with more than 5,000 residents, school janitors, attendance supervisors, or school clerical positions. Ch. 31, §52 (e), (f), (g).
- in towns with between 5,000 and 10,000 residents, sealers and inspectors of weights and measures, and their deputies. Ch. 31, §52 (h).
- in most cases, an office in which the incumbent has served at least ten years in a city, or at least five years in a town. Ch. 31, §53 (b).

For any of these positions, the question will be placed on the ballot at the next regular local election more than 30 days after a petition is filed with the city or town clerk or election commission. The petition must be submitted to the local boards of registrars of voters at least 7 days before this for certification of signatures. The petition must be signed by at least 5% of the registered voters in the city or town, but need not be signed by more than 5,000 voters in a city or 1,000 in a town (except in the case of a five-year town incumbent, where this 1,000-signature limit does not apply. Ch. 31, §§54, 55.

Questions on Group Insurance (Chapter 32B) (towns only)

Group insurance for town employees. The question of whether to provide group insurance for town employees may be placed on a town election ballot by the selectmen, or by petition of 10 registered voters for an annual town election or of 100 registered voters (or 10% of the registered voters, if fewer) for a special town election. The petition must be filed a reasonable time before the election, probably at least 37 days. Ch. 32B, §10; ch. 39, §10.

Expanding town group insurance coverage. Town group insurance coverage may be expanded in certain ways by accepting particular sections of law. The method of placing the question on a town election ballot is the same as above. The possible questions include:

- paying more than 50 percent of town employees' group insurance premium. Ch. 32B, §7A.
- distributing balance of group insurance premium to town employees. Ch. 32B, §8A.
- paying premiums for retired employees. Ch. 32B, §§9A; 9F.
- paying premiums for survivors of fire fighters. Ch. 32B, §9C.
- paying premiums for surviving spouses of all employees. Ch. 32B, §9D.
- paying more than 50 percent of premium for surviving spouses. Ch. 32B, §9D 1/2.
- paying more than 50 percent of premium for retired employees. Ch. 32B, §9E.
- paying premiums for survivors of police officers. Ch. 32B, §9G.
- providing dental benefits. Ch. 32B, §10A.
- purchasing additional insurance. Ch. 32B, §11A.
- covering elderly retired employees. Ch. 32B, §11B.
- providing accident insurance for police and firefighters. Ch. 32B, §11D.
- paying premiums for retired teachers. Ch. 32B, §11E.
- paying premiums for disability income insurance. Ch. 32B, §11F.

Questions on the Powers & Duties of Cities and Towns. (Chapter 40)

Snow removal on private ways The question is placed on the ballot at the next regular municipal election in a city by the city council and in a town on petition of 200 voters or 20% of the registered voters, whichever is fewer. Ch. 40 §6D.

City purchase and develop a public water supply The question is placed on the ballot at a regular city election by the city council. Ch. 40 §38.

Questions Concerning Officers & Employees of Cities, Towns & Districts (Chapter 41)

Tenure for the city or town clerk The question is placed on the ballot on petition of 5,000 voters or 5% of the registered voters of a city or town, whichever is fewer. The petition must be filed with the city or town clerk at least 60 days before the next regular municipal election to appear on the ballot at that election. If filed later than 60 days before the regular municipal election, the question appears on the ballot of the following regular municipal election. Ch. 41 §19C.

Selectmen act as a water and sewer board, water commissioners, municipal light commissioners, park commissioners, board of public works, board of health, assessors, commission of public safety, cemetery commissioners, superintendent of streets, chief of police, or fire or tree warden The question is placed on the ballot on petition of 10% of the registered voters of the town. The petition must be filed with the town clerk at least 60 days before the next regular town election. If filed later than 60 days before the regular town election, the question appears on the ballot at the following regular town election. Ch. 41§21

Town establish a Board of Public Works The question is placed on the ballot (a) by vote of the town meeting at least 90 days before the election or, (b) on petition of 10% of the registered voters after unfavorable town meeting action if filed with the selectmen at least 60 days before the regular town election. Ch. 41 §69C.

Town revoke the establishment of the Board of Public Works The question is placed on the ballot on petition of 10% of the registered voters of the town. The petition must be filed with the selectmen at least 60 days before the next regular town election. If filed later than 60 days before the regular town election, the question appears on the ballot at the following regular town election. This question may appear on the ballot only every third election. Ch. 41 §§69C, 69F.

Town join a regional police district with other towns The question is placed on the ballot by the selectmen. A petition signed by the board of selectmen must be filed with the town clerk at least 30 days before the next regular town election. If filed later than 30 days before the regular town election, the question appears on the ballot at the following regular town election. Ch. 41 §99D.

Town revoke its acceptance of the regional police district The question is placed on the ballot by the selectmen or on petition of 5% of the registered voters of the town. The petition must be filed with the town clerk at least 30 days before the next regular town election. If filed later than 30 days before the regular town election, the question appears on the ballot at the following regular town election. Ch. 41 §99K.

City establish a purchasing department The question is placed on the regular city election ballot by the council and mayor. Ch. 41 §104.

Paid vacations for municipal employees The question is placed upon the regular state election ballot on petition of 1% of the registered voters of the city or town, if filed with the local registrars at least 60 days before the regular state election. Ch. 41 §111.

Tenure for an appointed officer The question is placed on the ballot, in a city by the council and mayor and in a town by the selectmen, if approved by the appropriate board at least 120 days before the next regular municipal election. The same question cannot reappear for at least two years. Ch. 41 §§128-129.

Tenure for all members of department The question is placed on the ballot in a city by the council and mayor and in a town by the selectmen if approved by the appropriate board at least 120 days before the next regular municipal election. The same question cannot reappear for at least two years. Ch. 41 §131.

Questions on City Charters (Chapter 43)

Four year term for mayor The question is placed on the ballot on petition of 5% of the number of voters residing in the city at the last city election. The petition must be filed with the city clerk at least 60 days before the next regular city election. If filed later than 60 days before the regular city election, the question appears on the ballot at the following regular city election. Ch. 43 §17C.

Two year term for mayor (only in those cities that adopted a four year term under Ch. 43 §17C) The question is placed on the ballot, on petition of 5% of the number of voters residing in the city at the last city election. The petition must be filed with the city clerk at least 60 days before the next regular city election. If filed later than 60 days before the regular city election, the question appears on the ballot at the following regular city election. Ch. 43 §17D.

Nine city councillors elected by districts and one member at large for every 120,000 residents

Nine school committee members be elected by districts and one member at large for every 120,000 residents

Either or both of these questions may be placed on the ballot in a city of at least 150,000 inhabitants on petition of 5% of the number of registered voters in the city at the preceding state election. The petition must be filed with the city clerk at least 140 days before the next regular city election. If filed later than 140 days before the regular city election, the question appears on the ballot at the following regular city election. Ch. 43 §129.

Question on Representative Town Meeting Action (Chapter 43A)

Town approval of action taken by the representative town meeting In towns with standard representative town meeting the question may be placed on the ballot on petition of 3% of the registered voters, at a special election called at least five days after the petition is filed with the selectmen. The petitioners have seven days to file with the selectmen after the representative town meeting action upon which the petitioners want a vote taken. Ch. 43A §10.

Question on Municipal Finance (Chapter 44)

City approve the order authorizing the issuance of bonds (only in cities which have accepted C 44 § 8A) The question is placed on the ballot on the petition of 12,000 voters or 12% of the registered voters, whichever is fewer, at a regular or special city election after filing of the petition with the clerk. The petition must be filed within 20 days of the effective date of the order and immediately suspends the order until the people vote. Ch. 44 §8A.

Question on Public Parks and Playgrounds (Chapter 45)

Town provision for public playground (only in towns that have not previously accepted C 45 §15.) The question is placed on the ballot on petition of 10% of the voters to the selectmen at least 15 days before the regular town election. Ch. 45 §16

Questions on Fire Departments (Chapter 48)

48 hour work week for permanent firemen The question is placed on the ballot on petition of 10% of the registered voters of the city or town at the next regular municipal or state election after the filing of the petition (with the municipal clerk if a local election, or the Secretary of State if a state election), at least 60 days before the respective election. Ch. 48 §58B

42 hour work week for permanent firemen The question is placed on the ballot on petition of 5% of the registered voters of the city or town at the next regular municipal or state election after the filing of the petition (with the municipal clerk if a local election or the Secretary of State if a state election), at least 60 days before the respective election. Ch. 48 §58B

Fire department two platoon system The question is placed on the ballot on petition of 10% of the registered voters of the city or town. The petition must be filed with the city or town clerk at least 60 days before the next regular municipal election. If filed later than 60 days before the regular town election, the question appears on the ballot at the following regular town election. Ch. 48 §59.

Questions on Proposition 2 1/2 (Chapter 59)

Local voters may modify the property tax levy limits imposed by Proposition 2 1/2 if a majority of the city council (with the mayor's approval if necessary) or a majority of the board of selectmen votes to place any of several questions on a regular or special local election ballot. The same body may place up to three such questions on the regular state election ballot in the city or town, if the Secretary of State receives a copy of their vote, attested by the city or town clerk, no later than the first Wednesday in August. The local initiative procedure, where available, may only be used to reduce the tax limits further. The text of each question appears in the statute. Ch. 59, §21C.

Question on Fluoridation of public water supply (Chapter 111)

Fluoridation of public water supply The question is placed on the ballot on petition of 10% of the registered voters of the city or town. The petition must be filed with the city or town clerk at least 60 days before the next regular municipal or state election. This question may be placed on the ballot only after the local board of health has ordered fluoridation, and fluoridation may not be ordered again by the board of health for at least two years after a negative vote. The petition must be filed within 90 days of the order of the board of health. Ch. 111 §8C.

Question on Horse & Dog Racing (Chapter 128A)

Rescinding action of city council or selectmen approving race track location in municipality The question is placed on the ballot on petition of 12% of the voters of the city or town at a special municipal election within 45 days of the filing of the petition with the city council or selectmen. Ch. 128A §13A.

Question on Boxing (Chapter 147)

City or town licensed boxing matches The question is placed on the ballot at a city or town election if a petition signed by 10 percent of the registered voters is filed with the city or town clerk or election commission at least 30 days before the election. The question of revoking such a decision may be placed on the ballot in the same way. Ch. 147, §§49, 50.

Question on Beano

City or town license for operation of a game of beano The question concerning the game of beano in any city or town shall be placed on the regular city or town ballot by a petition signed by 5% of the registered voters. This question shall not be submitted to the voters more often than every four years. 1971 Mass. Acts ch. 486, §4, as amended by 1974 Mass. Acts ch. 244, §2, 3, and 1975 Mass Acts ch. 779. See G.L. ch. 10 §38 and following note in M.G.L.A.

